

1 Q. Okay. Let's look at the second one: "To
2 understand the likelihood and process, who makes
3 decision and how they will evaluate for CWSs to stay
4 in suit or opt out."

5 What suit was that?

6 A. The Holiday Shores suit.

7 Q. All right. And the next one says: "To
8 identify key issue messages for Community Water
9 Systems that may be useful in future communications
10 and possibly in legal proceedings," correct?

11 A. Yes.

12 Q. That was your goal? Are you refreshed now
13 about that?

14 A. Yes, uh-huh.

15 Q. Okay. Did anyone presenting on behalf of
16 Syngenta ever say anything to discredit the Holiday
17 Shores litigation?

18 MR. POPE: You're talking about this meeting
19 in Iowa in early --

20 MR. TILLERY: That's correct. I'm talking
21 about the meeting in Iowa.

22 THE WITNESS: Can you repeat the question?

23 BY MR. TILLERY:

24 Q. Sure. Did anyone there speaking or
25 presenting on behalf of Syngenta say anything to

1 Water Systems about the financial implications on them
2 of initiating a suit against your company and other
3 atrazine manufacturers.

4 A. Can you point me to that?

5 Q. Let's go to the bottom of page 3 of the
6 document. CNS, potential plaintiff, second bullet.
7 What would the implications for your Community Water
8 System be if you did initiate a suit? Financial
9 implications? Political implications? Public safety
10 implications? Public perceptions?

11 Why did you ask those questions?

12 A. We were trying to get an overall picture of
13 what the consequences would be to a Community Water
14 System.

15 Q. Okay. And you were trying to discourage
16 them from participating in a lawsuit, weren't you.

17 A. No, we weren't. We were trying to get an
18 overall picture of what the consequences would be.

19 Q. What political implications did Syngenta or
20 the attorneys or consultants bring up during the
21 meetings?

22 A. I really don't remember.

23 Q. What financial --

24 A. If any.

25 Q. What financial implications were raised?

1 A. Yes.

2 Q. Who was going to do this? Who was going to
3 do these things?

4 A. We never got that far.

5 Q. Okay. And your testimony under oath here
6 today is that no one ever made a contact.

7 A. No, no one did.

8 Q. Okay. And then in the next, "in current
9 state of economy don't need another factor bringing
10 property values down." What did that mean?

11 A. Well, just what it says.

12 Q. Well, means that you were trying to instill
13 in the minds of the people at Holiday Shores that
14 bringing the lawsuit would harm their property values.
15 Wasn't that the focus here? You got to answer my
16 question.

17 A. Can you repeat the question?

18 Q. Okay. Sure. It means from these entries
19 that you were trying in your discussions to come up
20 with thoughts about how you could instill in the minds
21 of the people at Holiday Shores that participation in
22 the lawsuit would harm their property values.

23 A. Well, yes.

24 Q. All right. Now, you also talked about
25 independent legal commentators that you needed, right?

1 (Proceedings recessed.)

2 THE VIDEOGRAPHER: We are back on the record
3 at 1:41.

4 Please continue.

5 BY MR. TILLERY:

6 Q. Now, for clarification sake, did you tell
7 me before we took our lunch break that you did or did
8 not hire Alex Avery to counter Tyrone Hayes'
9 statements and studies?

10 A. We supported the Hudson Institute
11 financially and Alex Avery countered Tyrone Hayes -- I
12 should say Alex Avery wrote about Tyrone Hayes'
13 studies. Sometimes he did that on his own. Other
14 times we requested that he do that.

15 Q. Did you ever perform any lobbying
16 activities at Syngenta yourself?

17 A. No.

18 Q. Did you ever work with lobbyists who were
19 retained by Syngenta?

20 A. I'm sorry. Can I -- can we go back to
21 that?

22 Q. Yes.

23 A. I'd like to just clarify that. In
24 Minnesota I did visit a few Minnesota legislators in
25 the company of Dr. Tim Pastoor and one of our state

1 groups and assemble lists of realtors/Holiday Shores
2 residents/growers."

3 Q. The second bullet point?

4 A. "Determine collateral materials needed for
5 briefing these folks. Determine who will actually be
6 reaching out to these individuals."

7 And the fourth bullet point is "editorial Board
8 meetings for Illinois papers slated for
9 February/March."

10 Q. So the discussion of reaching out to groups
11 and assembling lists of realtors regarding Holiday
12 Shores residents and growers was actually on the
13 agenda for a call, wasn't it.

14 A. Apparently it was, yes.

15 Q. Right. I think earlier you said a
16 brainstorming session. This actually was prepared in
17 advance for a call, wasn't it.

18 A. Yes; uh-huh.

19 Q. And then this email was sent to you by
20 Mr. Goldsmith, correct?

21 A. Yes.

22 Q. And your recollection is you told me
23 earlier this never took place?

24 A. Yes, and that is correct. These actual
25 activities never did take place.

1 A. Yes, it does.

2 Q. Now, would you read that email into the
3 record, please?

4 A. "Here are the bona fides for the CARES SAP
5 members. I still am waiting for Roberts and Reed.
6 Please don't redistribute. I don't think it would be
7 helpful if it were generally known that we research
8 SAP panel members. The real good stuff I have kept to
9 myself. Tim, if you see a bill coming in from some
10 detective agency, you could just sign it and pass it
11 along. It protection for Janis on atrazine."

12 Q. So Mr. Breckenridge had hired a detective
13 agency?

14 MR. POPE: Objection to the form of the
15 question.

16 THE WITNESS: I can't say. I don't know.

17 BY MR. TILLERY:

18 Q. Okay. And do you know of any of the people
19 as part of this scientific advisory panel if any of
20 them were threatening the safety of Syngenta
21 employees?

22 A. I don't know.

23 Q. Okay. Do you think it appropriate to hire
24 detective agencies for a scientific advisory panel
25 members?

1 Q. If I hired you to research cases I have
2 handled and to speak publicly about my firm, would you
3 be independent?

4 A. Yes.

5 Q. So if I paid you to research my cases and
6 to write publicly about them, you would be
7 independent.

8 A. Yes. If you trusted me as a respected
9 professional in my field.

10 Q. That's all -- I just want to get the ground
11 rules straight.

12 Has Alex Avery ever published any peer-reviewed
13 material about atrazine?

14 A. Not that I'm aware of.

15 Q. Is Alex Avery one of your select media of
16 Syngenta?

17 A. What do you mean by that?

18 Q. I mean in the way that Syngenta refers to
19 people who are called select media sources. However
20 the PR department of Syngenta means the term, select
21 media.

22 A. Can you point me to a reference?

23 Q. Yes.

24 (Exhibit No. 26 marked for identification and
25 attached hereto.)

1 A. That's correct.

2 Q. Okay. Let me ask you this. If he were
3 being influenced, would that be appropriate?

4 A. If Alex felt the need to disclose how he
5 was being influenced, I suppose that would be
6 appropriate.

7 Q. Okay. Has Syngenta ever disclosed that
8 Alex Avery was actually being paid or that the Hudson
9 Institute was actually getting money when he was
10 speaking?

11 MR. POPE: Objection.

12 BY MR. TILLERY:

13 Q. To your knowledge?

14 MR. POPE: Objection to the form of the
15 question.

16 THE WITNESS: Would you repeat the question,
17 please?

18 BY MR. TILLERY:

19 Q. Right. Has Syngenta ever disclosed that
20 Alex Avery was actually being paid or that the Hudson
21 Institute was actually getting money when Mr. Avery
22 was speaking?

23 MR. POPE: Same objection.

24 THE WITNESS: No.

25 BY MR. TILLERY: